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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/054,156

11/13/2001

Kelli H. Kennedy

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03/15/2006

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

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EXAMINER

QIN, YIXING

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/054,156	Applicant(s) KENNEDY ET AL.	
	Examiner Yixing Qin	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 12/14/05, all requested changes have been entered.

Response to Arguments

Applicant's arguments, filed 12/14/05 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Iwata et al (U.S. Pub No. 20020163665 A1).

The Iwata et al reference discloses the newly added features in the amended independent claims and serves as a better primary reference than the previously cited Marbury reference. Please see the rejection in more detail below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that the independent claims 1,9,15 and 23 fail(s) to correspond in scope with that which applicant(s) regard as the invention. In the applicant's specification, applicant has stated in Fig. 3 items 110 and 112 that the virtual driver launches an agent and that the agent queries for a printer list and this statement indicates that the invention is different

from what is defined in the claim(s) because the claims state that the general printer driver (i.e. the virtual driver), not the agent, is configured to transmit a query for the available printers.

Claim Objections

Claims 28 and 29 are objected to because of the following informalities: The Examiner understands that claims 28 and 29 mean that the general printer driver can support multiple printers and not just a particular one. However, a general printer driver can be construed as being able to support a multiple particular printers, in which can it can inherently support "a particular printer." The Examiner believes the language would be more clear if the claim either read "...not support printing to just a particular printer." or "...support multiple printers." in order to distinguish the general printer driver as one that can support more than one printer. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 1-3, and 6-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata et al (U.S. Pub No. 20020163665 A1).

1. **Claim 1, 9, 15, 23**

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- Iwata discloses in Fig. 2 (items 100 and 110) and P[0136] that an application calls a general printer driver (i.e. a virtual printer driver).
- Iwata discloses in Fig. 5 an printer window can be opened to show the various network printers available.
- One can see in Fig. 5 that there are various printers available for one to print on.
- Iwata discloses in P[0258] how the virtual printer driver can be installed on a computer. One of the ways is that it can be downloaded is from a network server.
- One can see in Fig. 5 item IC4 is a "distributed printing icon." The last four lines of P[0153] discloses that IC4 corresponds to a virtual printer driver.
- From the applicant's specification it appears that it is an agent program that can query for a list of printers from the network, and not the actual general printer driver itself. Iwata discloses this fact in Fig. 35, item id113 where printers on a network can be shown through a distributed printing properties page for select printers. It is not explicitly stated that there is a query, but one skilled in the art would understand that there is some form communication (i.e. a query) in order to acquire the available printers information.

2. Claims 2, 10

- Item 2 has been addressed in the last limitation of claim 1 above.

3. Claim 3, 17

- Although not explicitly disclosed, the Postscript format is well-known and would be obvious to one of ordinary skill to use it.

4. Claim 6, 20, 25

- Iwata discloses in Fig. 5 a list of printers.

5. Claims 7, 13, 21, 26

- Iwata discloses in Fig. 31-34 various printers sorted by their functionality or location.

6. Claims 8, 14, 22

- One can see various identification information about a printer in Fig. 31-34.

7. Claim 16

- Iwata discloses in Fig. 2 items 100 and 110 that a virtual printer driver is called according to a print command.

8. Claim 27

- Again, Iwata discloses in Fig. 2 and 31-35 the displaying of various printers on a network. The polling would essentially be a query for various available printers.

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9. Claims 28, 29

- Iwata discloses in P[0019] that the virtual printer driver specifies information for multiple printers, which means it does not only specify information for a particular printer.

II. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata et al (U.S. Pub No. 20020163665 A1) in view of Gase et al (U.S. Patent No. 5,580,177).

10. Claims 4, 11, 18, 24

- Iwase does not go into detail about the updating or overwriting of drivers. However, the secondary reference, Gase, discloses in column 4, lines 17-23 the ability to overwrite a printer driver with a newer one. One would understand that the new printer driver would be used to process/convert data to be printed. The printer driver would read on as a printer description file.
- Both references are in the art of networked printing and providing drivers for printers. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have a system for updating drivers. The motivation would be to have the most current driver available for compatibility and efficiency reasons.

11. Claims 5, 12, 19

- As for the temporary overwriting of the driver, the Windows XP operating system already has a built in feature to allow the rollback of an updated driver to an older one if the new one is deemed to be incompatible. This has been addressed in the previous office action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571)272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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YQ

KA Williams

**KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER**